

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 58

HOUSE BILL 2162

AN ACT

AMENDING SECTION 36-446.02, ARIZONA REVISED STATUTES; RELATING TO NURSING
CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-446.02, Arizona Revised Statutes, is amended to
3 read:

4 36-446.02. Board of examiners; terms; meetings; quorum; effect
5 of vacancies; compensation

6 A. The board of examiners of nursing care institution administrators
7 and assisted living facility managers is established consisting of eleven
8 NINE members appointed by the governor.

9 ~~B. The board shall include one administrator of a nonprofit faith~~
10 ~~based skilled nursing facility, one administrator of a proprietary skilled~~
11 ~~nursing facility, two managers of an assisted living center as defined in~~
12 ~~section 36-401, who are not currently affiliated with a nursing care~~
13 ~~institution, two managers of an assisted living home as defined in section~~
14 ~~36-401, who are not currently affiliated with a nursing care institution, one~~
15 ~~manager at large not currently affiliated with a nursing care institution,~~
16 ~~two members representative of the professions concerned with the care and~~
17 ~~treatment of the chronically ill or infirm elderly patients and two public~~
18 ~~members not currently affiliated with a nursing care institution or an~~
19 ~~assisted living facility.~~

20 B. THE BOARD SHALL INCLUDE:

21 1. ONE ADMINISTRATOR WHO HOLDS AN ACTIVE LICENSE ISSUED PURSUANT TO
22 THIS ARTICLE.

23 2. ONE MANAGER WHO HOLDS AN ACTIVE LICENSE ISSUED PURSUANT TO THIS
24 ARTICLE.

25 3. ONE ADMINISTRATOR OF A NONPROFIT OR FAITH-BASED SKILLED NURSING
26 FACILITY.

27 4. ONE ADMINISTRATOR OF A PROPRIETARY SKILLED NURSING FACILITY.

28 5. TWO MANAGERS OF AN ASSISTED LIVING CENTER AS DEFINED IN SECTION
29 36-401.

30 6. ONE MANAGER OF AN ASSISTED LIVING HOME AS DEFINED IN SECTION
31 36-401.

32 7. TWO PUBLIC MEMBERS WHO ARE NOT AFFILIATED WITH A NURSING CARE
33 INSTITUTION OR AN ASSISTED LIVING FACILITY.

34 C. ~~The noninstitutional administrative~~ BOARD members of the board WHO
35 ARE NOT AFFILIATED WITH A NURSING CARE INSTITUTION OR AN ASSISTED LIVING
36 FACILITY shall NOT have ~~no~~ A direct financial interest in nursing care
37 institutions or assisted living facilities.

38 D. A board member shall not serve on any other board relating to
39 long-term care during the member's term with the board.

40 E. The term of a board member automatically ends when that member no
41 longer meets the qualifications for appointment to the board. The board
42 shall notify the governor of the board vacancy.

43 F. BOARD members WHO ARE NOT AFFILIATED WITH A NURSING CARE
44 INSTITUTION OR AN ASSISTED LIVING FACILITY shall be appointed for two year
45 terms. BOARD MEMBERS WHO ARE THE ADMINISTRATOR OF A NURSING CARE INSTITUTION

1 OR THE MANAGER OF AN ASSISTED LIVING FACILITY SHALL BE APPOINTED FOR THREE
2 YEAR TERMS.

3 G. ~~No~~ A BOARD member shall NOT serve for more than two consecutive ~~two~~
4 year terms.

5 ~~G.~~ H. The board shall meet at least twice a year.

6 ~~H.~~ I. A majority of the board members constitutes a quorum.

7 ~~I.~~ J. BOARD members ~~of the board~~ are eligible to receive compensation
8 as determined pursuant to section 38-611 for each day actually spent
9 performing their duties under this chapter.

10 ~~J.~~ K. A board member who is absent from three consecutive regular
11 meetings or who fails to attend more than fifty per cent of board meetings
12 over the course of one calendar year vacates the board member's position.
13 The board shall notify the governor of the vacancy.

14 Sec. 2. Retention of members

15 Notwithstanding section 36-446.02, Arizona Revised Statutes, as amended
16 by this act, all persons serving as members of the board of examiners of
17 nursing care institution administrators and assisted living facility managers
18 on the effective date of this act may continue to serve until the expiration
19 of their normal terms. The governor shall make all subsequent appointments
20 as prescribed by statute.

21 Sec. 3. Staggered board terms

22 Notwithstanding section 36-446.02, Arizona Revised Statutes, as amended
23 by this act, when a vacancy occurs on the board of examiners of nursing care
24 institution administrators and assisted living facility managers, either
25 before or at the end of a full board member term, the governor shall fill
26 that vacancy by appointing a qualified person to a term of either one, two or
27 three years as necessary to provide for staggered board member terms. The
28 governor shall make all subsequent appointments as prescribed by statute.

APPROVED BY THE GOVERNOR MARCH 20, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 22, 2012.

Passed the House February 7, 2012

Passed the Senate March 15, 2012

by the following vote: 55 Ayes,

by the following vote: 29 Ayes,

1 Nays, 3 Not Voting
1 Vacant

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

19th day of March, 20 12

at 2:37 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 20th day of

March

at 7:06 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 22nd day of March, 20 12

at 8:14 o'clock g M.

[Signature]
Secretary of State

H.B. 2162